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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,511	12/14/2001	John W Betteridge	946-445	2636
31855	7590	11/25/2005	EXAMINER	
<b>PHILIP O. POST</b> INDEL, INC. PO BOX 157 RANCOCAS, NJ 08073				TUROCY, DAVID P
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/018,511	BETTERIDGE, JOHN W
	Examiner	Art Unit
	David Turocy	1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 16-22 is/are allowed.
- 6) Claim(s) 1,2,4-15 and 23-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Amendment***

1. The applicant's amendments, filed 9/22/2005, have been fully considered and reviewed by the examiner. The examiner notes the amendments to claims 5 and 8 and therefore the objections to both claims have been withdrawn. The examiner notes the cancellation of claim 3. Claims 1, 2, and 4-26 remain pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2-5 have been fully considered and are persuasive. The examiner notes the assertion that one of ordinary skill in the art can determine the scope of the claims, read in light of the specification as discussed on pages 10-11 or the replay dated 9/22/2005. Therefore, the 35 USC 112 2<sup>nd</sup> paragraph rejection of the claims has been withdrawn.
3. Applicant's arguments filed 9/22/2005 have been fully considered but they are not persuasive.
  - The applicant has argued against the '592 patent stating the patent fails to teach of "at least one outlet mounted on the stator and projecting into the gallery for injecting the coating material into the at least one gallery", wherein "the at least one gallery [is] internal to the rotor". The examiner respectfully disagrees. '592 teaches of providing an outlet which comprises the interface between the chamber (15) and the pipe (17), such an outlet is projecting into the gallery, i.e. the orifice is aimed to project into the chamber

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(15). The interface between (15) and (17) is mounted on the stator, wherein the rotating portion of chamber (15) is a gallery internal to the rotor.

The applicant has argued the outlet projects into the gallery so that the seal and the space that the seal occupies, in contrast to the prior art, is not in direct path of the coating material. The applicant argues such an arrangement results in less escape of the coating material. However such arguments are not commensurate in scope with the claims, where the claims as written do not require such a limitation.

The applicant has argued against the '592 reference stating the reference does not teach "at least one intake chamber within a substantially annular-shaped body surrounding the pipe". The examiner respectfully disagrees. '592 discloses an intake pipe (17) located within the stationary annular shaped body surrounding the pipe, while a portion of the pipe is outside of the annular body, a portion of the pipe is within the annular body and therefore reads on the claim as written, wherein the portion within the annular body is read as the intake chamber.

The applicant has argued against the '592 reference stating the reference does not teach "a compression chamber substantially surrounding the exterior of the pipe". The examiner respectfully disagrees. '592 explicitly discloses chamber 15 may be a single annular body surrounding the pipe and it is the examiners position that such a annularly shaped body inherently results in compressing the coating material.

The applicant has argued against the '592 reference stating the reference does not teach a diffusion chamber substantially surrounding the exterior of the pipe. However, the examiner respectfully disagrees. '592 explicitly teaches of providing a

number of diffusion chambers (25) around the outside of the pipe. It is the examiners position that the plurality of chambers (25) "substantially" surrounds the exterior of the pipe and the claim as written does not require the diffusing chamber arranged annularly around the exterior as argued.

The applicant has argued against the '592 reference stating the reference teaches of a significant different sealing means as claimed in claim 4. The examiner respectfully disagrees. Claim 4, as amended, only requires a sealing means "between" a gallery and an outlet mounted on a stator. '592 teaches of providing a seal located "between" the outlet and the gallery, see figures 1 and 2.

Please note, during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" by giving words their *plain meaning* unless the specification provides a clear definition. See *In re Prater* 415 F.2d 1393 1404-05 162 USPQ 541 and *In re Zletz* 893 F.2d 319, 321, 13 USPQ2d 1320.

#### ***Claim Interpretation***

4. Below is a listing of claim language that has invoked 35 USC 112 6<sup>th</sup> Paragraph and the examiners interpretation of the means-plus-function language as taught by the structure disclosed in the specification. Examiners must interpret a 35 USC 112 6<sup>th</sup> Paragraph "means-or-step-plus function" limitation in a claim as limited to the corresponding structure, material, or acts described in the specification and equivalents thereof. See *In re Donaldson Co.*, 16 F.3d 1189, 29 USPQ2d 1845. Therefore the

means-plus-function language is interpreted to be limited to the disclosure within the specification, as listed below, or any equivalents thereof.

Claim	Means Plus Function Language	<i>In re Donaldson Co Interpretation within Specification</i>
1	Drive means for rotating the rotor and the coating head	Page 7, lines 3-8
16	Means for supplying the coating material from the external source to the gallery	Page 5, lines 12-15
1, 16	Means for applying a positive air pressure to the internal gallery	Page 5, lines 17-20
4	Sealing means	Page 6, lines 4-9
6	Diffusing means	Page 6, lines 20-21
7, 19	Means for supplying a grit from an external source to the gallery	Page 6, lines 15-18
8, 20	Means for supplying a gas from an external source to the gallery	Page 7 line 28 -page 8 line 3
9, 21	Means for supplying a quench fluid from an external source to the gallery	Page 7 line 28 -page 8 line 3
10, 18	Means for opening and closing around the pipe	Page 7, lines 15-16

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 6-10, 12, 14, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application 2285592, hereafter '592, in view of "Sprays" by Kirk-Othmer.

These claims are rejected for the same reasons set forth in the office action dated 3/23/2005, and for the reasons set forth above in section 3.

7. Claims 2, and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application 2285592, hereafter '592 in view of "Sprays" by Kirk-Othmer, and further in view of "Coating processes" by Kirk-Othmer.

These claims are rejected for the same reasons set forth in the office action dated 3/23/2005, and for the reasons set forth above in section 3.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application 2285592, hereafter '592 in view of "Sprays" by Kirk-Othmer, and further in view of the US Patent 4595607 by Betteridge et al, hereafter '607.

These claims are rejected for the same reasons set forth in the office action dated 3/23/2005, and for the reasons set forth above in section 3.

9. Claims 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application 2285592, hereafter '592 in view of "Sprays" by Kirk-Othmer, and further in view of the US Patent 5191740 by Rose, hereafter '740.

These claims are rejected for the same reasons set forth in the office action dated 3/23/2005, and for the reasons set forth above in section 3.

10. Claims 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Application 2285592, hereafter '592 in view of "Sprays" by Kirk-Othmer, and further in view of US Patent 5026451 by Trzecieski et al, hereafter '451.

These claims are rejected for the same reasons set forth in the office action dated 3/23/2005, and for the reasons set forth above in section 3.

***Allowable Subject Matter***

11. Claims 16-22 are allowed.

The following is a statement of reasons for the indication of allowable subject

matter: These claims are deemed allowable for the same reasons set forth in the office action dated 3/23/2005.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

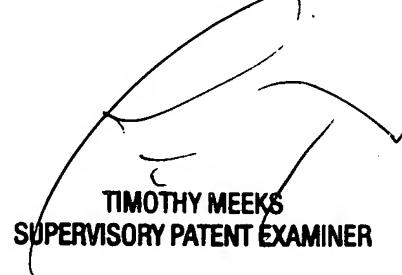
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.
- Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy  
AU 1762



**TIMOTHY MEEKS**  
**SUPERVISORY PATENT EXAMINER**